UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES ROBERT KEARY, et al.,

                Plaintiffs,   Civil Case Nos.
                                                 11-15133 and 12-15359

vs.

                                              HON. MARK A. GOLDSMITH

U.S. BANK NATIONAL
ASSOCIATION ND, et al.,

                Defendants.
_____/

ORDER DENYING PLAINTIFFS' MOTION FOR RECUSAL

This matter is presently before the Court on Plaintiffs' motion asking this Court to disqualify itself from this matter (Dkt. 11).

As noted by the Sixth Circuit, "a judge is presumed to be impartial, and the party seeking disqualification 'bears the substantial burden of proving otherwise.'" Scott v. Metro. Health Corp., 234 F. App'x 341, 352 (6th Cir. 2007) (quoting United States v. Denton, 434 F.3d 1104, 1111 (8th Cir. 2006)). Plaintiffs' motion here is incomprehensible and the grounds underlying it cannot be discerned. Under such circumstances, Plaintiffs have not met their burden and the motion must be denied.

Although the motion is incomprehensible, the Court believes that Plaintiffs are suggesting that this Court cannot, for some unstated reason, act as a neutral judicial officer in this matter. To the extent that the motion is brought under 28 U.S.C. § 144, the Court denies the motion because Plaintiffs have not filed the required affidavit "stat[ing] the facts and the reasons for the belief that bias or prejudice exists." 28 U.S.C. § 144; see also Scott, 234 F. App'x at 352. To the extent that the motion is brought under 28 U.S.C. § 455, the Court concludes that there is no basis for recusal under that statute. The motion is denied.

SO ORDERED.

Dated: January 22, 2013   s/Mark A. Goldsmith
       Flint, Michigan   MARK A. GOLDSMITH
                                    United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 22, 2013.

                                    s/Deborah J. Goltz
                                    DEBORAH J. GOLTZ
                                    Case Manager